In the High Court of Uttaranchal, at Nainital.

(Stay Application No. 10827/2006)

Criminal Writ Petition No. 1060/2006(M/B)

1- Abdul Hamid S/o Alla Banda,
2- Sher Ali S/o Rahmu
3- Nasim S/o Sabbir
4- Talib S/o Mazid
5- Umar Ali S/o Rafiq
6- Abdul Hassan S/o Alla Rakha
7- Irfan S/o Nur Hassan @ Bhura
8- Yamin S/o Abdul Salam
9- Sarajuddin S/o Abdulla
All R/o Dargahpur, P.S. and Tehsil Laksar,
District Haridwar .. Petitioners.

Versus

1- State of Uttaranchal.
2- S.S.P., Haridwar.
3- Station House Officer,
P.S. Laksar, District Haridwar.
4- Ilam Chandra S/o Harshi,
R/o Dargahpur, P.S. and Tehsil
Laksar, District Haridwar .. Respondents.

Sri Diwaker Chamoli, learned counsel for the petitioners.
Sri D. K. Sharma learned G.A.

Hon'ble B.C. Kandpal, J.
Hon'ble Prafulla C. Pant, J.

By means of this petition the petitioners have sought the following reliefs:-

(a) To issue a writ, order or direction in the nature of certiorari to quash the first information report dated 14-8-2006, lodged by the respondent No.4 in case crime No. 172-A of 2006, U/Ss 147, 148, 149, 307, 452, 323, 336, 504, 506 I.P.C. and Section 3 (i)10 of S.C./S.T. Act and Section 7 Criminal Law Amendment Act, P.S. Laksar, District Haridwar.

(b) To issue a writ, order or direction in the nature of mandamus directing the respondents 1 to 3 not to arrest the petitioners in pursuance of the aforesaid F.I.R.

2- Heard Sri Diwaker Chamoli, learned counsel for the petitioners, Sri D.K.Sharma, learned Government Advocate and perused the record.

3- As per the allegation made in the first information report, the petitioners attacked the complainant side, on account of which a number of persons from the complainant side, sustained injuries on their persons. There is a cross F.I.R. lodged by the petitioners against the respondent No.4 and others. The cross version between the parties, indicates at this stage that some occurrence took place, in which, both the sides sustained injuries.

4- Having considered the arguments advanced by the learned counsel for the parties, we are of the view that no indulgence of the court is required in the matter under Article 226 of the Constitution of India, for grant of any of the reliefs sought by the petitioners at this stage.

4- The writ petition lacks merit and is dismissed in limine.

5- However, in case if the petitioners are arrested or surrender before the court concerned and they move the bail application, the court concerned shall dispose of the bail application without unreasonable delay.

6- With the above observation, the interim relief application also stands rejected.

(P.C. Pant, J.) **(B.C. Kandpal,J.)**

Dated: 24-08-2006
ISB